

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3       ALEXANDER UCEDA,

Case No.: 2:22-cv-00687-APG-EJY

4               Petitioner

**Order**

5       v.

6       STATE OF NEVADA, *et al.*,

7               Respondents.

8

9               Pro se 28 U.S.C. § 2254 habeas corpus petitioner Alexander Uceda has filed a second

10 motion for appointment of counsel (ECF No. 5). As I previously explained, there is no

11 constitutional right to appointed counsel in a federal habeas corpus proceeding. *Luna v. Kernan*,

12 784 F.3d 640, 642 (9<sup>th</sup> Cir. 2015) (citing *Lawrence v. Florida*, 549 U.S. 327, 336–37

13 (2007)). Whenever the court determines that the interests of justice so require, counsel may

14 be appointed to any financially eligible person who is seeking habeas corpus relief. 18 U.S.C. §

15 3006A(a)(2)(B). “[T]he district court must evaluate the likelihood of success on the merits as

16 well as the ability of the petitioner to articulate his claims pro se in light of the complexity of the

17 legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9<sup>th</sup> Cir. 1983). Here, Uceda

18 essentially re-hashes his first motion for counsel – arguing that he requires counsel because he is

19 in custody in Virginia pursuant to an interstate compact, he lacks legal training and COVID-

20 protocols have limited direct law-library access. But as I previously observed, he articulates his


21 claims clearly, and the legal issues do not appear to be particularly complex. I remain

22 unpersuaded that counsel is warranted. Uceda’s motion is denied.

23

1 I THEREFORE ORDER that petitioner's second motion for appointment of counsel  
2 (ECF No. 5) is DENIED.

3  
4 Dated: July 27, 2022

A handwritten signature in dark ink, appearing to read 'A. P. Gordon', is written over a horizontal line.

U.S. District Judge Andrew P. Gordon